

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FALLS LAKE NATIONAL INSURANCE
COMPANY,,

Plaintiff,

v.

NEXUS BUILDERS CORP., *et al.*,

Defendants.

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED:

21-CV-1403 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Defendant Hip Wah Hing Realty Corp's motion to dismiss must be filed no later than June 18, 2021. Plaintiff's opposition to the motion must be filed no later than July 9. Defendant's reply must be filed no later than July 19, 2021.

Should Plaintiff wish to file a letter supplementing its default judgment claim against the remaining Defendants, it may do so by July 9, 2021. Specifically, Plaintiff should make clear what cause of action it states against those Defendants other than Nexus Builders Corp., with whom it had entered the contract it now wishes to rescind. As stated in this morning's conference, the Declaratory Judgement Act requires evidence of "a substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." *Olin Corp. v. Consolidated Aluminum Corp.*, 5 F.3d 10, 17 (2d Cir. 1993). Plaintiff should make clear to the Court in its letter what substantial controversy of sufficient immediacy exists between it and Defendants Tho Binh Phan, United King Construction Corp., and Hao Da Xian Taoist Temple, Inc.

SO ORDERED.

Dated: May 28, 2021
New York, New York



RONNIE ABRAMS
United States District Judge